2:Seligman & Seligman E-5 (1909-1910) 1932
FJ23 Shilluk FJ23

only after this is he "the chosen of God" (*aronyi Juok*) and fit incumbent of his new office. The first ceremonial duty of the high-chief is to visit the king, who presents him with an ox, more costly presents being made to the high-chiefs of Mwom and Tonga. Every high-chief has his assistant (*tyel kwome*), who exercises authority as occasion requires. The village chiefs are chosen by their communities, and we believe all these offices to be in the main hereditary, though further investigation is here necessary, as it is with regard to the ministerial council, mentioned by Hofmayr, whose members are selected by the king.

Fashoda—not to be confused with Kodok, the Fashoda of international fame—is the royal capital, *fa reth* ("the place of the king"), from which the king has ruled for many decades. Yet it was not always so: Father Banholzer told us that formerly each Shilluk king reigned from and was buried in his native village. Fenikang is the traditional capital of Nyakang and probably of his immediate successors. Perhaps, too, some of the early kings ruled the country from Tatuga (Doleib Hill). Tugo is said to have been the first king to live at Fashoda; whether this is correct or not, Fashoda certainly was not the *fa reth* of all the kings who succeeded him, though Nyadwai and Yur Adodit ruled the country from villages in its neighbourhood. Nyadwai lived and died at Kodok, where in 1909 we were shown the remains of the tree which according to tradition sprang from his grave; actually the association seems to have been that it stood near his dwelling and that he would often sit under it. Malakal and Walajok are also said to have been capitals in their time.

The king and his many wives live at Fashoda (Pl. V, Fig. 1). The king's dwelling when we saw it in 1910 consisted of four huts, no better built than those of his people and lacking the ostrich-egg and spear of the royal symbols. They stood well above the rest of the settlement on an artificial mound, called Aturwic (shown on Pl. VI), which may have been some ten feet high, and was said to have been built by the tenth king, Tugo.

The king observes the same marriage prohibitions as his people, even remote relatives on both sides of the family being forbidden; thus the king and all male descendants of the king must marry commoners, while daughters of the king should not marry at all, though foreign influence is, we believe, slowly modifying the old practice. Mr. Henry writes that unless the king takes a

2:Seligman & Seligman E-5 (1909-1910) 1932
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582 girl in compensatin for some great favour shown to her father
583 he pays bride-weath, but he fixes the amount himself, usually
643 double that paid y a commoner. There will, however, be no negotiation, nor would a commoner ever attempt to recover cattle
643 of the bride-wealth that had died. The king owes no respect to mother-in-law or other relatives by marriage, who all treat him with the same reverence s do other unconnected commoners. No Shilluk
593 woman is particulay reverential to her husband, nor would she take
582 a beating with resigned submission, but a royal wife should kneel with bowed head toreceive a whipping should the king wish to punish
643 her. Mr. Heasty informs us that one wife is always appointed head
644 wife and is treated with great respect by all, including the king himself. She acts as intermdiary between the other women and the king; she is an elderly woman, usually a widow of a previous king, and holds her appointment until displaced by the king. The king would seldom
582 take a wife from the *ororo* unless she were an unusually attractive
565 woman, because noson of an *ororo* can ever become king.

The king's children are never born in Fashoda. In the fourth
644 or fifth month ofher pregnancy the expectant mother is sent
591 with attendants andcattle to some distant village, and here she remains under the protectin of the chief until the child is weaned, when she may return to Fashoda. During each subsequent pregnancy she goes to a diffent village. The child is brought up in its native village, and the cate that the mother brings with her are its portion. In this village he (r she) should be buried. No special conditions are required for th selection of a locality beyond the strength and discretion of the chief under whose charge the child will grow up and the presence of good grazing ground for the royal herd.[1] Every
644 royal son is recognized as a potential king and is treated with the
645 utmost indulgence nd respect; the royal daughters also have their privileges, but are as respected; the royal daughters also have their
582 are not allowed to not so highly regarded. The royal daughters for a woman of royarry, it being alleged that it would not be fitting
836 marry a *nyireak*, or th birth to marry a commoner, while she could not Royal daughters me descendants of one, as this would be incestuous. Mr. Heasty informs y have lovers, but must not bear children. s that they may select whom they will, *kwareek*

[1] Mr. Heasty considers t
is ambitious for his sons a
born in Fashoda they would
to Shilluk villages in the n

the reason for sending the royal wives away is that the king hopes that they will start villages for themselves; if they were have no villages of their own. Foreign wives of the king are sent the way as are Shilluk women.

2:Seligman & Seligman E-5 (1909-1910) 1932
FJ23 Shilluk FJ23

be that a married woman considers herself a member of her husband's family, but as a sign of respect addresses her husband's relatives in each case as though she belonged to a younger generation than she does in reality. A custom in vogue among the Shilluk may have some connection with this usage, i.e. widows other than the mother are taken as wives by a man's sons. Further, it is not considered disgraceful for young unmarried sons to sleep with their own father's wives. A young wife may thus see herself as the consort to two generations at once, and address her husband's sisters and parents by those terms that she would use if she were wife of the younger of the two successive mates. A woman still belongs to her own clan after marriage, so it seems strange that she should use the terms employed by her husband. In this connection it must be noted that in some districts husband and wife address one another as *umia* and *nyimia* before the birth of the first child, and that a man calls his wife's sister *nyimia*. This last anomaly may be due to some feeling that the wife is taken into the family of her husband, though no adoption ceremony was discovered. It should be noted that a man calls his wife's sister "sister"; he does not treat her with any ceremony, and if she visits her married sister the husband is not bound by any taboos, though he cannot have connection with her as he can with his *yura*. In certain circumstances (the death or barrenness of a wife) he may marry her.

Everywhere the "in-law" relationship is one that requires much tact, and the Shilluk, as is usual in savage society, show respect by means of ceremonial avoidance. While much emphasis is laid upon the avoidance of persons related by marriage, it should be noted that there is no avoidance between blood-relations—a man does not avoid his mother, sister, or daughter.

A Shilluk avoids all those whom he calls *ora*, of whom the first in importance is the wife's mother. In those parts of the Shilluk country that we visited, avoidance of the mother-in-law implied that a man must not enter her house, and care would be taken never to meet her face to face out of doors. If a man saw his mother-in-law he would take a different road and send a friend to greet her respectfully. We did not find avoidance carried to the length described by Hofmayr, who states that a man may not enter the village in which his mother-in-law dwells; one informant, however, told us that a man might not enter her village until the cows of the bride-wealth had been paid.

2:Seligman & Seligman E-5 (1909-1910) 1932
FJ23 Shilluk FJ23

602 We may now consider these different aspects of the *ava* relationship in detail.

606 (1) The avoidance of the mother-in-law is so common a custom in Africa as to be considered habitual. All the implications of the mother-in-law situation cannot be discussed here, but there are two elements in the custom which must be borne in mind—the respect due to the mother of the wife, and the feeling that there must be no hint of sexual impropriety with her. The Shilluk who encountered his wife's father's brother's wife on our steamer said that she would complain to other women that she had seen his "nakedness". Among [291] a people like the Shilluk, who when they wear any garment only knot a cloth over the shoulder, leaving the genitals exposed, this objection seems remarkable, and does point to the sexual nature of 606 the avoidance. So, by demonstrating in a ceremonial manner that 835 there can never be any possibility of sexual intercourse between himself and any woman whom he treats as mother-in-law, he leaves open an approach to her daughter. If a young Shilluk, who has not yet collected sufficient cattle to marry, desires to exercise his right and consort with the wife of one of his *awa*, he must treat her mother with respect as though he were the actual husband, and if he has not previously adopted this attitude trouble may arise. Or it may be that he wishes to take the widow of one of his *awa* as a wife; if he has previously respected the mother-in-law of that *awa* the way is open, if not, she will make objections which may or may not be overcome by gifts.

606 It is clear that in the wide sense in which the Shilluk use the term *ava* for mother-in-law they cannot actually avoid all these women, and certainly not their villages, for among these *ava* will be found almost all the women of a previous generation not of the man's own clan. Actually a man is concerned to avoid the *ava* of those of his *awa* with whom he comes in contact, or of those whose marriages are personally interesting to him.

606 As already mentioned, the wife's brother's wife is addressed as 607 *ava* and seems to be looked upon as similar to a mother-in-law. It is clear that she stands in a relationship quite different from that of a wife's sister or a brother's wife. But no reasons were discovered for treating her as a mother-in-law.

606 (2) Amongst these relatives may be considered the wife's father 607 and her brothers. They are her natural protectors to whom she may
583

2:Seligman & Seligman E-5 (1909-1910) 1932
FJ23 Shilluk FJ23

complain if her husband ill-treats her; it is to them that the bride-wealth is given, and the fact that this should be returned should she die childless seems to indicate that the bride-wealth may be considered as compensation to her family for the loss of her children rather than as a payment for her as a wife. The wife's *nu* and his son both receive part of the bride-wealth, and though they do not belong to her clan they also are *ora*. The avoidance of these relatives of the wife is by no means a common custom (and is not practised by the Dinka). It appears to be correlated to the fact that they receive some of the cattle of the bride-wealth.

(3) The attitude towards the husbands of female relatives is the converse of the above. Though a man must observe respectful behaviour towards the husbands of his sisters and certain cousins, he appears to be in a more favourable position towards them. He receives part of the bride-wealth given by them for his sisters and certain "cousins", and can demand favours from them.

(4) A woman only looks upon her husband's uterine brothers and his mother's sister's sons as her *ora*. She avoids them strictly; any hint of familiarity would be an offence. It is clear that the nature of the avoidance is sexual, and that by means of its observance the possibility of impropriety is prevented. These relatives of the husband stand in sharp distinction to all others.

Although the Shilluk conception of the "in-law" relationship is broad, the omissions from it are as striking as the inclusions. The wife's sisters do not come under the heading *ora* at all. A man may always treat them with familiarity and, if he wants to, take one as a second wife; he has prior claim to anyone else but must give the full bride-wealth. We were told that a rich man might marry all the *nwin* of his wife. The wives of the *nwa* are not *ora*; the wives of clansmen stand in two *definite* categories—those with whom sexual intercourse is permissible and those with whom it is not—and to most of them descriptive terms are used. The wives of all those clansmen called either *nu* or *nwa* belong to the former class, but intercourse with the wives of any other clansmen is said to cause death to both offenders. Care would be taken in dealing with the second class to avoid anything that could possibly be looked on as a compromising situation, such as staying in the house of these relatives when their wives are present, or sitting upon the mat or skin of the woman. Thus, though not called *ora*, they are avoided ceremoniously.

2:Seligman & Seligman E-5 (1909-1910) 1932
FJ23 Shilluk FJ23

The exceptions from the "in-law" category are equally important from the woman's point of view. She does not call her husband's parents *ow*, but addresses them as though they were her own grandparents; she treats them with respect, kneels when she hands anything to her father-in-law, and turns her head away when she speaks, but there is no strict avoidance. One of our married informants had his mother living with him; she had a separate hut in his enclosure, but she and his wife could eat together if they wished.

A man calls his son's wife *kwaro*, granddaughter; she falls into the category of wives of a clansman with whom sexual intercourse is inadmissible, and no doubt the ceremonial behaviour observed between granddaughters and grandparents is also followed between a man and his son's wife. It has been noted before that a woman uses terms to her husband's relatives that she would use to her own relatives of a generation older, and the custom of consorting with the husband's son and being inherited by him has been suggested as a reason for this.

We have seen that there are certain other women who are treated in the same ceremonial manner as are the *ow*; these are wives of relatives, some, but not all, of whom are clansmen (see p. 61). These women fall into sharp contrast with those other women (wives of clansmen, the *wa* and the *nwa*) with whom connection is permitted during the life of the husband and who may possibly be inherited after his death.

Young people are free to marry the partner of their choice so long as clan exogamy is observed and no genealogical relationship can be traced on the mother's side. Every Shilluk youth is interested in the marriage of his sister and of his father's sister's daughter, for he receives cattle from their bride-wealth and without cattle he cannot himself marry; it is true that his father and his father's sister will assist him to collect cattle for his bride-wealth, but how can they get these except from the marriage of their daughters? A father who used his cattle to marry extra wives while his own sons remained unmarried would be regarded generally with disfavour. The breaking of a marriage—divorce—means the return of cattle to the bridegroom, a difficult matter, as though the bride-wealth is paid to one man, the bride's father or brother, it is immediately distributed and may soon play its part in another's marriage. Thus a man has every reason to desire his sister's marriage to be stable. Yet, in the rules of behaviour that are customary between persons

Z Seligman & Seligman E-S (1909-1910) 1932
F723 Skilluk FJ23

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cross the bride's homestead and throw spears into her courtyard; in the end the bride gives herself up and goes to the dancing ground. Then the bride's mother takes a shield and spear and throws spears at the returning bridegroom; he dodges these and retaliates by throwing a specially good spear at the women, which they keep as a memento. Finally the drums give the signal for a dance, and the bridegroom, dressed in a leopard skin, dances with the bride and her people. A drinking bout concludes the ceremony.

585 604

Hofmayr describes a rite in which bride and bridegroom ceremonially wash each other's hands.[1] Mr. Henry suggests that this may refer to the washing of bride and bridegroom by the wajo (father's sister) of the bride. When the bride first comes to live in her husband's homestead her wajo accompanies her and initiates her in the duties of a wife. After the first night the couple have spent together the wajo comes early in the morning and washes the husband and then the wife, and anoints their bodies with oil. This is repeated on several mornings.

951 [847] [273]

Mr. Henry describes a further ceremony in which washing plays a part. Before the birth of her first child a woman goes to her parents' house, and when the child is old enough for her to return with it to her husband her friends brew quantities of beer. This they take to the husband's village, where she returns with her mother and grandmother. The people of the husband's village drink the beer, a gourd of water is passed round and everyone drops a cowrie gift, which will be given to the women who have brewn the beer; at the same time the men wash their hands. This Mr. Henry states is a public ceremony, exhibiting the child and signifying the fulfilment of the marriage. The bride-wealth has been given, by two families are friends, the husband need no longer avoid his parents-in-law; in case of need his wife may even go to her parents and beg food from them.

583 ●

The bride-wealth consists of cows, sheep, and spears, typically as follows:—

Ekit nam, the cattle of the marriage. Usually ten cows, but more may be paid if a man is very attached to his betrothed.

Ekit nam, the sheep of the marriage.

Lore nam, spears and other goods.

The *ekit nam* are taken by the father, but he rarely keep them all; indeed, in some cases it might happen that he would keep none.

[1] Op. cit., pp. 2 sq.

2 Seligman & Seligman E-5 (1909-1910) 1932
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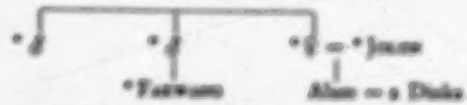
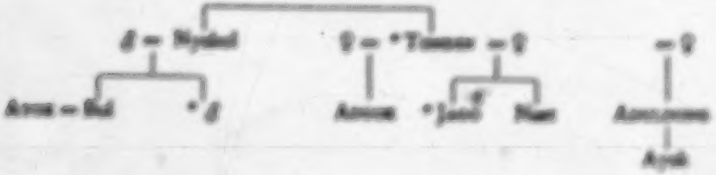
● 583 Seventeen cows were paid by his Dinka son-in-law to one Jokm on the marriage of his daughter Akum. Of these his wife kept four, one of her brothers (the *nu* of the girl) took four, and another brother two; the remaining seven Jokm took, but he had to give four to his wife's brother's son. Jokm had no son of his own, but if he had had one it would have been his duty to reserve some of the cattle from his daughter's bride-wealth for her brother's marriage. Thus of the seventeen head of cattle, ten went directly to the girl's mother's family, four to the mother, and only three to the father.



*Indicates persons who received cattle.

The cattle of the bride-wealth provided for another girl, called Bol (twin), were distributed as follows: two cows went to her brother (her father being dead), her mother's brother (the girl's *nu*) took three bulls, and his son (the girl's *nwa*) had three bulls and two cows. These were given to him by the girl's mother, his sepo.



When Nan marries all his cattle will go to her brother Jago, because she has no *nu*. Jago and his father might share the cattle, but actually the younger man will get them all, or keep so, because his father already has three wives and Jago is waiting to get married. None of these cattle will be saved for the youngest brother, Adiok (who is only nine), because he will get some cattle from the bride-wealth of his eldest brother's daughter, Ayak (aged five).

It will be seen from these examples that though the term *nu* can be used in a classificatory sense, with regard to the bride-wealth this aspect of the relationship is not considered. Thus the cattle from the bride-wealth due to the *nu* are given to the mother's brothers or her sons, not to any one of the mothers.

2:Seligman & Seligman E-5 (1909-1910) 1932
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The *dhil nam* consists of any number of sheep, from seven upwards, and these are taken by the bride's brother (*awaa*). If the bride has no full brother they are divided amongst her *awa*, her father's brother's sons, and after them her *awa* who are her classmates. 583

The *jaw nam* consists of four hoes, two fish spears, four spears (two large and two small), a basketful of tobacco and a bundle of firewood. The *jaw nam* is kept by the parents and is not shared with other relatives.

In times of stress, as during the *makdia* or when cattle have been scarce for any other reason, whole or part of the bride-wealth may be delivered. The debt is not, however, cancelled; the husband may frequently wait until he receives bride-wealth for a daughter of the marriage, whom he will give the original number of cattle agreed for his wife to her father or his next of kin.

If a married woman dies without having a child, the husband demands back the cattle of the bride-wealth from the father. If his wife leaves him he will demand both the sheep and the hoes and spears; the tobacco and fish are gone, so he will not ask for them, but if he were very angry he might even do that, though such behaviour would generally be despised. Yaugjok, a chief of Tonga, stated in court that if a woman leaves her husband all the bride-wealth should be returned except one bullock, but if the wife is pregnant when she leaves the husband one cow and one bull are kept by her people. 584 [624]

It seems that, on the whole, divorce is amicably arranged, as a man usually only seeks divorce if his wife has left him for another man, in which case the latter would have to hand over bride-wealth to her father, who would return the original bride-wealth to the first husband. If, however, there were another daughter of suitable age the husband might take her. If a man should try to return his wife because she was barren a more difficult situation would arise.[1] Such a case would probably be taken before the *reik* and judgment might be given that all except two cows should be returned. Probably before the case came up the husband would have tried to steal the cows from his father-in-law. 585 586 587

A case was recorded of a girl who was betrothed as a child to a man who controlled unusual diseases. One cow of the bride-wealth 587

[1] Dalrymple states that before deciding that a woman is barren the husband would let her cohabit with one of his sons, and the plunge would also be called in to administer medicine (op. cit., 106). [592]

2:Seligman & Seligman E-5 (1909-1910) 1932
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one at his first dance, and later on any occasion that he may wish to celebrate. Names are commemorated in poetry.[1]

Twins are welcomed and spoken of as much joint, literally "children of God"; the first is called Anger, the second Tim. The next child born after twins is called Nakvi.

Children are brought up in the house of their father. There is no segregation of the sexes, brother and sister grow up together and may play together, and a boy may beat his sisters if he considers them unruly. The chosen companions of boys appear to be their own (brothers and cross-cousins) and of girls their nyiwa (sisters and cross-cousins). Cousins, the children of two brothers or two sisters, may play together in the same way as brothers and sisters, but as a barrier constructed the habitation of a group with male descent the children of the brothers are likely to see most of each other when young. If married brothers and sisters happen to live near one another their children—who would be nwa, nyiwa, nwaju, and nywaju to each other—will have opportunities of meeting, and it seemed that there was no restriction on those of opposite sexes playing together. As women go to live in the gol of their husbands, the children of two sisters are unlikely to see much of each other, so that the nwa nyiwa relationship is unlikely to be an intimate one.

There is a certain definite relationship between children and their mother's brother (nu). It is the mother's brother who usually gives a boy his first spear; he also has a right to some of the cattle given as bride-wealth for his sister's daughter, and might perhaps influence her in her choice of a husband. A girl, considered particularly good-looking, married a Dinka, and it was said that her father and nu persuaded her to reject her Shilluk suitors and accept the Dinka because he could give many more cattle than the Shilluk. Though the nu always takes a portion of his sister's daughter's bride-wealth, inheritance being from the father to the son he leaves nothing to his sister's children; his own sons, however, inherit his lien on the bride-wealth of the nyaka, i.e. of their own nywaju (father's sister's daughter). If a man is well off he may give his sister's son some cattle when he wants to get married, but this is a gift, not an obligation. At a funeral the principal duties fall on the son, but at the final sacrifice the sister's son must sacrifice a sheep or a bull, according to his means.

The wujo (father's sister) always compliments two head of cattle

[1] Malinowski, op. cit., xxv.

2:Seligman & Seligman E-5 (1909-1910) 1932
F223 Shilluk F223

to the bride-wealth of her brother's son. She may demand the cattle for her brother's son from her own husband, and he will always give them; should he refuse she might threaten to leave him. We were told that a boy who had no *wujo*, *nyuajo*, or sister, would be poor indeed. The two latter do not actually contribute, but in the lad's position of *uwa* to his *nyuajo* and brother to his sister he gets a portion of the bride-wealth given on their marriage.

We could obtain little reliable information relating to age-classes or similar organizations, and formed the opinion that the institution was of little importance and was probably dying out, and that neither knocking out teeth or wearing the forehead could properly be regarded as a puberty rite.[1] Both girls and boys—except the royal family down to the *dwonyiwok*—have the four lower incisors knocked out, but no reason could be discovered. Mr. Henry informs us that the lower milk incisors are taken out—or the young teeth may be burnt away—in babies so young that the teeth may not have come through the gum. This is done both by *dwonyiwok* and commoners, lest the child should become ill or die. The permanent teeth are removed in the tenth or eleventh year and buried near the parents' house. Girls and boys are treated separately in groups, but we could not discover that the operation gave rise to any social bond. Here we may add that to knock out a man's front teeth (presumably this refers to the upper jaw) is considered a grave offence, and in the old days a fine of ten head of cattle was imposed.

Forehead are scarred at much the same age or a little later, two or three lines of scars, called *ni*, being made, which in the young stand out like beads across the brow and are regarded as greatly enhancing the appearance. This also is done in groups by some man who is expert at the work. Forehead scarring seems to come nearer to being an initiation ceremony in the common use of the term, and at this period the lads cease to sleep in their parents' hut, they go to the cattle byre and hear the *dwonyo* and take full part in the dances. It is true that lads do dance before this, but rather to play and more as intruders than participators, whereas after head scarring the dance becomes an important occupation with great social significance, for when a lad dances with the warriors he is considered a man. Though age-classes have not the obvious social importance that they have among Nuer and Dinka, lads scarred at the same time were

[1] Mr. Henry notes that in the neighbourhood of Detaib Hill those have been no age-classes for many years.

3:Westermann E-6 (9910) 1912 F323 Shilluk F323

III. FAMILY LIFE.

When a young man wants to marry, he himself asks the girl he has selected; if she consents, she directs her lover to her parents and the old people of the village; if these also do not object, they ask him to bring the dowry, which consists of cattle. From four to six head of cows and one milch cow is the ordinary price for a woman, besides a number of sheep and goats. But the whole of this dowry is in most cases not paid to the father-in-law at once, before the marriage takes place. One ox is paid to the elders of the village when they arrange the marriage business, one or more at the celebration of the marriage, another when the first child is born. The ox which is slaughtered at the marriage festival is driven to the village of the bride by all the young men of the bridegroom's village. They decorate this ox by tying tassels of cows' tails on the top of the horns. In case the horns have not a good shape for tying these tassels, they are pierced and the tassels are fastened in the holes. A young man in buying an ox is always particular about the shape of the horns for this reason. On the marriage festival vide page xxxv. — A man cannot reach a social position without being married, and he cannot get a wife without cattle; so every young Shilluk's highest ambition consists in procuring cattle in order to buy a wife. But, as already mentioned, they usually marry before the full dowry is paid, and in such a case the debts of the young husband may become the source of quarrels between husband and wife, and still more between husband and father-in-law. As long as the price is not paid, the father has a legal right to take his daughter back from her husband; but this, though often threatened, is seldom done. Those who have sufficient means will as a rule not be satisfied with one wife, but marry a second and a third; only a very few exceed this number.

A young man may not marry a girl from his own division or clan, (vide page xxv ff.) but from any other division; the girl may live in the same village or in any other village, but they prefer to marry in a distant village. These marriage laws are a well established tribal custom, and people fear to break them, lest death follow marriage.

The position of the women is on the whole a higher one than with most Mohammedan peoples of the Sudan. She is generally well treated and is shown considerable respect. The women sometimes take part in public assemblies with the men, discuss the affairs that interest them and partake in funeral and religious ceremonies. Even in their war-dances the women play an active rôle, vide page xxxiii. — If reluctantly or lazy, the man may give his wife a thrashing with a rope.

MARRIAGE 584

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POSITION OF WOMEN 562

[593]

3:Westermann E-5 (1910) 1912 F323 Shilluk F323

*539 She says: "But why do you not go into the village, to the old people?" Then
584 he goes into the village, and talks with the old people. They say: "We have nothing to say against it." Now he returns home, and brings a sheep, as a present for the old people. The old people say: "We accept your proposal, go,
● [583] and bring the cattle!" The man goes, and procures the cattle, he returns with it to the old people, and they say: "Go, and bring the rest of the dowry!" And the rest of the dowry is brought, the part for the people in the village of
*539 God.[1] Now beer is strained, and the people are called. The ox of dowry is
585 brought by all the people; the people go, and fetch the ox, and a spear, which is (a present) for the man who held fast the rope of the ox. The people go into the village. And the people dance. The bridegroom is put into a hut together with the arranger of the marriage; the bride stays with her family together with the woman-arranger of the marriage. While the people are still dancing, the bridegroom is led out by his friends, the bride also is brought out by her friends. All the people continue dancing, and a cow is killed, which is eaten by the people; and they drink plenty of beer; and they eat bread, bread which is mixed with butter. There are many people present.

At last the people scatter, and go home. The bridegroom is now instructed with regard to his wife (that is, he is told how much cattle etc. he has still to
[583] give). They say to him: "Bring goods, bring giraffe-tails, and skin-circles, and bracelets for tying."

And (the next day) food (beer, and different foods prepared of dura) is brought; it is carried into the village of the bridegroom. The men who carry it, sit down outside in the bush before going into the village. The people of
[482 the bridegroom now bring a goat into the bush (to the carriers, as a present);
431] after that the carriers come into the village, but they refuse to go into the yard of the bridegroom. Now hoes are brought forth, and are thrown on the ground (as a present for the carriers), and they go into the yard; they stand still in the yard with their food on their head, and again refuse to put their loads on the ground. So once more hoes are brought, and thrown down before them. Now they put their loads down.

The bride also, when she is brought by her friends into the house of the bridegroom, remains outside the yard. And a goat is led out (to those waiting outside), and then she enters the yard. They (she and her friends) sit down in the yard. The ear of the goat is cut off, and after that they enter the hut. — But the girl refuses to lie down; and metal ornaments are brought, which are to cause her to lie down, and then she lies down. The next morning a goat is brought, the goat is killed. The women dig for mud which is used in building, and the enclosure is bemeared with mud (is repaired). When they have

[1] for the deceased ancestors.

3:Westermann E-5 (1910) 1912 F223 Shilluk F223

Kpi ngôo kal ngí, ke mer[ɔ]ŋ ní ngô, gŋ ní chêw. Ke ɔ ke: ngôo ghŋ, ngôo ghŋ. [527]
bí rin ŋ chêlo? Ke ngôo í ngô, ke gŋ chêlŋ.

Kwakadwai was a rich man. He started to marry, and he married the daughter of a king. He brought sixty cows as a dowry. He married a second wife for sixty cows.

He used to drive his cattle to *Tŋr* (a place of pasture), and when the grass was finished there, he drove them to *Ŋar* (another pasture).

One day some princes were travelling, and they came to him. He entertained them as his guests; flour and dried meat were brought, and milk, and bread baked in butter, and meat. But one of the princes refused, "I don't want these things!" "Why not?" (asked the people). "Because he is a (mere) Shilluk (not one belonging to the royal family), and yet he is so rich!" He did not touch the food.

This (rich) man, when he went to his cattle place early (every) morning, he used to kill a calf and to eat it. And he said to his people, "Some of you, kill a man! I myself will make amends for him!" And they killed a man, and he made amends.

101. The Hyena with the Bell.

Ke jal ngôŋ ne ngí, chaqâo Lwal Pîlkin, ke dyaŋ chêw gí dwaŋ. Ke bany kwîŋ, ke ngaqa nâlî gay kor. Ke Lwal ŋaqa, ke ngaqa ŋgaŋ, kor: wei, ŋa ngô. Ke wei, ke gaŋ gaŋ kŋ nâlo, ke ngaqa e ŋgŋ kí nâlŋ gaŋ. Chaqâ ní nwâo kpí, ke kpí ní ngaq, ke kîny kŋŋ gí kpâ, ke e gî.

There was a certain man, a prince, whose name was *Lwal Pîlkin*; his goats were being eaten by the hyena. Therefore he dug a hole and caught the hyena in the hole. When Lwal came, the hyena begged him, "Leave me, do not kill me!" So he let her go, but he tied a bell to her neck, and the hyena went away with the bell about her neck. But now whenever she wanted to catch goats, the goats (heard the bell ringing, and) ran away. At last the hyena became tired with hunger and died.

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[527] ✱ *Ghŋ.*

[528] ✱ A sign that these cows were ready as the ransom or dowry for buying his son a wife.

✱ If the wife dies, the dowry paid for her has to be restored by her family; in this particular case it would be difficult for the father of the girl to give back so many cows, so some would die or perish in some other way in the meantime, and so the affair would turn out a disaster to the father and the girl.

✱ As about his immense wealth, it was a legendic for him to pay a dowry.

having a given number of local branches, or lineages, spread throughout Shilluland, and there are no periodic reunions.

Members of a lineage are bound not only by kinship ties but also by ties arising through occupation of the same territory. The lineage is an effective political and social unit. A person generally thinks in terms of his immediate lineage and refers most often to the founder of his lineage in the district occupied. In relation to members of lineages of other clans, however, reference is most likely to be made to the founding ancestor of a person's clan. As previously mentioned, the occupants of a settlement belong to a collection of independent lineages which graft themselves into the genealogical structure of the dominant lineage through marriage with its female members.

INHERITANCE

Only the smallest lineage unit is of any importance in the conveyance of property. Pumphrey states that there are no definite rules for the inheritance of chattels.[1] If dispositions has not been made before death they are usually taken by the eldest son, or by the next of kin where there are no sons. Cattle are taken by the succeeding gol brother, either a married son or a married brother. He cannot do exactly as he likes with them for he inherits certain traditional obligations. He has the moral obligation to use his herds for procuring bridewealth to enable the male members of the gol to marry, in order of seniority, and it is considered wrong for a gol leader to marry a second time himself while there are men of his gol still unmarried and requiring cattle. The gol leader is also responsible for paying compensation in cattle for any wrong which has been committed by one of his household. Finally, it is recognized that no cattle of the family herds should be sold except in times of famine and to purchase grain. Pumphrey states that a breach of these terms of inheritance would "be universally censured but would probably not be interfered with by the courts."[2]

Uncultivated land belongs to anyone who settles on it.

MARRIAGE

The Shilluk are polygynous: a wealthy and influential man has three or four wives, while members of the hereditary class have several more. Marriage is forbidden with any member of one's father's clan and between all persons in respect of whom relationship, either through the father or mother, could be traced directly. Apart from these obstacles it appears that freedom of choice is generally allowed to both sexes in matrimonial matters.

Bridewealth

Bridewealth consists of two head of cattle and sheep and spears. In addition the suitor makes small gifts and performs services to one the former of his future father- and mother-in-law. Bridewealth discussions and arrangements between representatives appointed by the suitor's gol and by the girl's gol.

[1] Pumphrey, S.A.S. Shil. Vol.XXIV, p.34.
[2] Ibid., p.35.

(2) and by the girl's gri. Payment of cattle may extend over many years and, until these payments are completed, the girl lives with her parents and her husband has to visit her there.

The bridewealth cattle go to the girl's gri leader, who is either her father, brother or paternal uncle. Pumpkey states that the deceased uncle only receives cattle if there are any arrears outstanding from the marriage of his sister, the girl's mother. Seligman quotes an instance in which 17 cattle were paid by a Dinka and of these 10 went directly to the girl's mother's family.

Marriage Ceremonies

537 If a girl receives a proposal of marriage from a suitor and accepts him, the first step is to obtain the consent of the girl's gri. The ac-
538 ceptance of a sheep - the dyel dhok - by the girl's parents signifies that they consent to the engagement. According to Pumpkey, the marriage is regarded as valid and binding as soon as this has taken place, and children born to the couple are legitimate even if the cattle payments have not been completed.(1)

A beer-drawing and wedding dance at the bride's village follow and serve to publicise the marriage and express public approval and recognition. After the dance a long period may elapse during which the bridewealth is gradually paid off while the wife lives with her parents. The final ceremony, the aqin riut, marks the conversion of the wife from her parents' home and only takes place when all the bridewealth has been paid, or at least the major part of it. Sometimes a mock battle takes place in which the bride is symbolically seized by the groom's party.

There is no set order for the various stages in completing a marriage, for there are often complications, such as seduction or the inability of the man to pay the cattle and so forth. In cases of seduction the seduction fine has to be paid first and then the full bridewealth.

Divorce

539 If a wife refuses to live with her husband her parents have to return the bridewealth. Deductions are made for the children born of the union at the rate of two head of cattle for every son and five for each daughter. Similarly, if a woman carries another man, before the first suitor has paid all the bridewealth, the cattle which have been paid are given back, subject to the deductions for any children born, however, once the stamp has been accepted, any children of the union belong legally to their father.

540 If the wife dies her gri must either substitute an unmarried sister or give back the bridewealth, making deductions for children.

Sexual Offences

541 Fines for adultery are paid to the owner's husband. The amount varies,

(1) Pumpkey, S.S.S. Vol.XVIII, 1941, p.36.

Howell E-4.5 (937, 948) 1953 F213 Shilluk F213

OBSERVATIONS ON THE SHILLUK OF THE UPPER NILE

kindred lineage within one settlement is certainly exogamous and there is also a bar to marriage into the maternal lineage. The clan, widely distributed in others localities throughout Shilluk country, does not function as a corporate unit except at times of national festivals and then only in the sphere of ceremonial and ritual.

Marriage and Marriage Laws

As with the Nuer and Dinka, marriage among the Shilluk is achieved by the performance of recognized social procedures and the payment of bridewealth in the form of cattle, sheep, and grain. Nevertheless, cash may be paid in addition to or in lieu of cattle, but not frequently and not in large sums.[1] It must be emphasized from the start that the Shilluk do not possess anything like the number of cattle owned by the Nuer and Dinka,[2] and for this reason alone the number of beasts paid as bridewealth is lower. Among the Nuer and Dinka the average ranges from fifteen to forty head of cattle according to the prevailing condition of the lands. Among the Shilluk the number is fixed at ten head, and although there have been cases where few Shilluk were able to pay this number, it has been retained rigidly for several generations despite attempts by the Administration to reduce it. With sheep and goats, which are paid in addition but do not have the same significance, there is no such rigidity. The number of these seems to vary according to the ancestors of the bride, though prevailing economic conditions doubtless play their part.

There is much to be found on the subject of marriage in the writings of Hofmayr, Westermann, and Seligman,[3] though many statements are misleading. This summary account of Shilluk marriage laws is based largely on the writings, both published and unpublished, of M. E. C. Pumphrey[4] who not only took into account previous literature but, as an administrator in Shilluk country for several years, had better opportunities to investigate the legal aspect of the subject. These are supplemented by my own direct observations.[5]

The Social Processes and Legality of Marriage

Pumphrey says:

> The marriage is known as *obligation to pay cattle*, but it is not created by or dependent upon such payment. To create a union a marriage only two things are essential. First there must be no positive barrier (such as known consanguinity) between the parties . . . ; and secondly there must be an offer and an acceptance. The offer and acceptance are symbolized by the man offering the woman's *gol*[6] a sheep (*tiel dhol*). Acceptance of this sheep signifies acceptance of the union. The marriage is then complete.[7]

This connection, which is limited to the immediate family of the parties to the marriage, is followed by *ring anglo* (the brewing of beer) and a wedding dance (*anglo dhol*) to which many persons are invited and which therefore serves to make the union widely known. It is not, however, entirely correct to say that the marriage is,

[1] The tendency to use cash in lieu of cattle is apparently increasing.

[2] Ratio of human to cattle population: Shilluk 1:0.5; Nuer 1:10; Dinka 1:20(?).

[3] See bibliography of the Shilluk, given in a previous article (*Africa*, vol. x).

[4] Pumphrey, "The Shilluk Tribe", J.A.S.B., vol. xxiv (1941).

[5] Based on field work carried out in 1937 and on an investigation and analysis of the marriages of one Shilluk lineage carried out in 1948. The results are to be published later.

[6] Bridewealth cattle.

[7] Pumphrey, *op. cit.*, p. 10.

S.Sowell E-4.5 (1937, 1948) 1953 F323 Shilluk F323

over at this stage, complete. The husband has not yet acquired full rights in his wife and does not do so until the cattle payments (*kwy*) are at least substantially complete. It is, however, unlikely that the bride's kinsmen will consent to the *wegle thiel* unless they are satisfied with the payments.

Theoretically, the wife will not take up residence with her husband until these payments have been made in full and in any case not permanently until her first child has been born.[1] The fact that during this transitional stage, when the wife is still living with her family, adultery is regarded as a less serious offence (*kwar kwede nin gier*) than later when she is living with her husband (*kwar kwed-ne thom*), indicates that full legal rights in her have not yet passed to her husband. The girl is in fact only betrothed, though, as among the Nuer and Dinka, betrothal carries with it a degree of legal status and certain rights. Though completion of cattle payments should coincide with change of residence, this is not often the case and frequently a man, tired of waiting and unable to find the final two or three head of cattle, elopes with his betrothed.[2]

Pumphrey also states:

> Thus the marriage tie is complete as soon as the promised sheep has been accepted, the cattle payments being in the nature of a consecutive transaction. Accordingly children born after the marriage tie is complete are legitimate, irrespective of a possible deficiency in cattle payments. The selection of legitimacy, a question often in dispute, is not the sufficiency of cattle payments, but the acceptance or otherwise of the promised sheep.

Ultimately, however, a man's rights in his wife and his children must depend on the payment of cattle. Analysis of disputes over marriage payments shows that unless these are sufficient to satisfy permanently the demands of the wife's kinsmen, the union is unlikely to last. This does not mean that the ten head of cattle required are always paid in full, but those owing remain as a debt in the second generation.

Thus it seems safe to assume that the *wegle thiel* should be regarded as the ultimate ceremony which marks not only the change of residence of the bride, but also the final establishment of legal rights in her to her husband. In fact this will usually coincide with the payment of at least an acceptable proportion of the bridewealth cattle.

The Distribution of Bridewealth

Pumphrey states that:

> Professor Seligman was at pains to discover how the cattle were divided among the relatives of the wife, and especially what was the share of the maternal uncle. In fact, only in the case already described does he receive anything; i.e. when he claims from the bridewealth of his niece such cattle as are in excess from the marriage of his sister.[3]

There is here, then, a very definite difference between the system of distribution of bridewealth among the Shilluk and that current among the Nuer and Dinka. Among the latter peoples, even in unions achieved by the consideration of very small numbers of cattle, there must always be a definite portion set aside for the maternal kinsmen

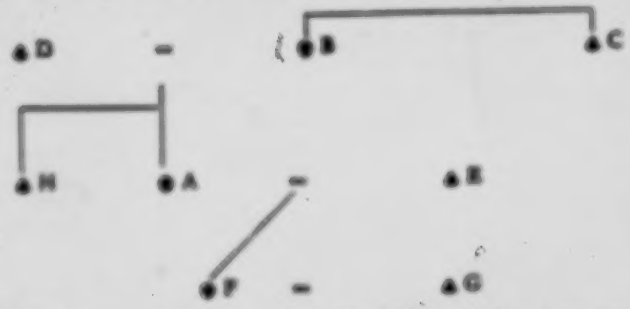
[1] A further sum (cows and above the ten head of cattle for fashionable) is requested after the birth of the first child.

[2] This is not to name as the commercial and consensual distinction which forms part of the *wegle thiel* consecration. Pumphrey says: "The *wegle thiel* . . . sometimes ends with the " violent " removal of the bride by the kinsmen of the bridegroom ": *op. cit.*, p. 18.

[3] *Op. cit.*, pp. 18-19.

8:Howell E-4.5 (1937, 1948) 1953 F323 Shilluk F323

of the bride. Among the Shilluk no such obligation exists except in the form of a recognized debt, nowadays enforceable in the Courts, which is dependent on the number of cattle which remain outstanding in the bridewealth of the bride's mother.



Thus, in the diagram, from the bridewealth paid by *E* for *A*, no portion will be set aside for *C*, unless the full bridewealth of ten head of cattle was not paid by *D* on his marriage to *B*. Since few Shilluk can afford to hand over ten head of cattle at once, and because there have been periods when there were few cattle to pay, this is the source of much litigation in the courts. At the same time, such debts are not carried forward a further generation. Thus *C* could not claim cattle outstanding from *F*'s marriage on the marriage of *F*, though *H* might do so from the marriage of *A* to *E*.

The pattern of distribution among paternal kinsmen of the bride is relatively simple, which is perhaps natural when bridewealth stands at so low a figure. If alive, the bride's father's father should receive one cow (which would go to his sons by another wife); the bride's father's brothers (her paternal uncles) and even his half-brothers are also entitled to a share. Speaking in conventional terms only, Shilluk say that where a full brother (*nyimo*) gets two cows, a half-brother only gets one. In fact none of them are likely to get anything more than a sheep or a goat, for if a man has many brothers and half-brothers there would be little or no cattle left for the bride's father or his sons. Distribution is usually dictated by circumstances prior to the marriage and the pattern of previous bridewealth distributions which create reciprocal rights. From an analysis of some fifty Shilluk marriages, my impression is that this form of distribution is quoted as a convention only and is rarely if ever followed now. As among other Nilotes, uterine and half-brothers within one domestic group are expected to marry in strict order of age. A man will generally prepare to marry with the cattle brought in by the marriage of his youngest uterine sister, if he has one, and, after any deductions which may be necessary to complete the bridewealth payments of the bride's mother and the fulfilment of other debts which may be pressing, he will probably get all the remaining cattle. Though large numbers of sheep and goats[1] are brought in by the marriage, these are not distributed among the bride's paternal kinsmen according to definite claims, nor are they regarded as paid to meet claims which could be interpreted as a survival from times when the

[1] The average seems to be somewhere between fifteen and thirty.

8:Howell E-4.5 (1937, 1948) 1953 F323 Shilluk F323

Shilluk were perhaps more prosperous cattle-owners and the rate of bridewealth were higher.

There is in fact no evidence that the number of cattle paid as bridewealth was ever higher than ten, though it may have been so in the era preceding Turkish times. During the *Mahdia*, and for some time after, when the Shilluk had even less cattle than they have now, the transfer of more than two head as bridewealth seems to have been exceptional. But in the more prosperous period which followed, when cattle increased, there was an aftermath of claims dating back to marriages contracted at an earlier date. Some of these claims were upheld in the Courts established by the Government; a procedure which no doubt fostered the belief that the rate of ten head of cattle was conducible and amounted to the enforcement of obligations which would not otherwise have been honoured. Latterly, the Administration has made attempts to reduce the bridewealth rate. At times in recent years, presumably after epidemics which have sometimes nearly halved the cattle population in the course of twelve months, ten head of cattle as bridewealth has been excessive, with varying results all naturally considered undesirable by the Administration. First, there has been a marked increase in litigation over bridewealth claims. Young men, having started the processes of marriage and made some initial payments of cattle, have then absconded with their brides and refused to honour further obligations. Second, since suitable husbands with sufficient cattle are not to be found, Shilluk girls, unable to marry the men of their choice, in an age when some degree of emancipation has been the result of alien government, tend to drift into the towns as concubines and prostitutes.* This process has an equally undesirable corollary. The young men, unable to marry, are more inclined to illicit love affairs, with the result that adultery has increased with a consequent rise in litigation. Finally, the Shilluk have taken to marrying their daughters to Nuer or Dinka who are only able to find the ten head of cattle required. This process, though not necessarily undesirable in itself, has the effect of aggravating the position, because Shilluk men find it even harder to acquire wives. Without this absorption of Shilluk girls by intermarriage with other tribes or by the process of detribalization, their guardians might be prepared to accept smaller numbers of cattle as they undoubtedly did during the impoverished times of the *Mahdia*.

There have been many discussions, extended in Government circles, of the necessity for reducing the amount of bridewealth and it is clear that Shilluk chiefs and men alike have themselves been acutely aware of the need to do so. Yet, despite resolutions made at Shilluk Council meetings, no alteration has in fact occurred.

Divorce and the Dissolution of Marriage

Divorce laws among the Shilluk are, in principle though not in detail, similar to those current among other Nilotic tribes. We must here distinguish between what may be called "active divorce", where both parties are still living, and "dissolution of legal union", which sometimes follows the death of the wife.

* Encouraged perhaps by the removal of customary deterrents. The only reporting of the Shilluk Council (1935) records: "Chiefs are warned that the following customary "punishments" for a woman are forbidden and will be followed by imprisonment:—
(1) Tying her up to a tree and half drowning her.
(2) Tying her up outside or right in the reception house.
(3) Smoking her in a closed up house.
(4) Stabbing her up her private parts.
The Government does not object to the lawful guardian of a woman or a girl giving her moderate correction with the palm of the hand, or a light switch, but beating with a stick is also forbidden.

8:Howell E-4,5 (1937, 1948) 1953 F323 Shilluk F323

Active Divorce: This is simply known as *ngi*: disputes over divorce which are frequently brought before the Courts being known as *gony ngi*.

(*i*) If *A* marries *B* with ten head of cattle (or less) and a divorce is instituted, all cattle should be returned to *A* with the exception of one cow (in the past two) known as *kwar kwak*. The expression *kwar kwak* is used generally in reference to all kinds of sexual offences in which rights in women are violated and, as will be seen later, implies that compensation should be paid. Since the union is terminated and *A* has renounced his rights in his wife, the Shilluk say he must pay something for taking her virginity. It also refers to loss of domestic assistance in the home, for Shilluk sometimes say that this deduction is *kir nur*, which comes to mean 'compensation for services rendered in the home' and it is not considered necessary if the union is dissolved before the wife takes up residence with her husband. This deduction is still made even if the wife is to blame.

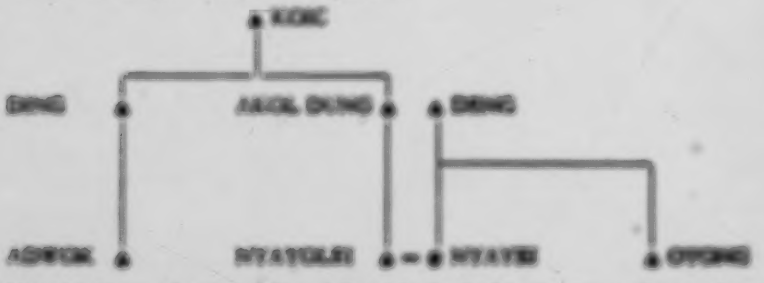
(*ii*) *A* marries *B* and *B* produces children. Should a divorce follow, *A* can only claim return of his cattle after suitable deductions have been made for the children at the rate of five head of cattle for a girl and two for a boy. In such circumstances *kwar kwak* or *kir nur* would not be paid by the husband, who thus retains legal parentage of his children. Otherwise, as will be seen later, the children would become *adojo* (illegitimate) and belong to the wife's lineage.

Two examples show the way in which such disputes are nowadays dealt with by the Courts.

Kok wad Banytwon v. Anyang wad Dwala (1941)

Kok married Anyang's daughter Nyahony for ten head of cattle, ten sheep and [illegible] in cash. One child was born of the union and, at the time of dispute, was about three years old. Nyahony then eloped with another man and Kok claimed the return of his cattle and other bridewealth. Anyang had already paid everything back with the exception of two cattle which he claimed should stand as legitimization fees for the child. The Court, however, held that the legitimization fees were covered by the offspring of the original cattle which Anyang had now returned to Kok and which Kok was not in fact claiming. No deductions were deemed necessary as *kir nur* was claimable by Nyahony's family in any case.

Adwok wad Dong v. Gwong wad Dong (1941)



Nyagwei (deceased) married Nyapei for eight head of cattle, eleven sheep and goats, eleven bushels of grain and [illegible] in cash. The marriage took place in mid-Shilluk time

8:Howell E-4,5 (1937, 1948) 1953 . F223 Shilluk F223

Amajok married Nyagolding for ten head of cattle and ten sheep. Nyagolding gave birth to two children who died as adults, while she herself died some twenty-eight years ago. No cattle were returned to Amajok on her death and no claim was made so long as X and Y were living. Amajok now claims *kai ut* from Odwor. This claim was upheld by the Court and two head of cattle awarded to Amajok. It is, as a matter of fact, unlikely that Amajok would have claimed *kai ut* if his daughter Y had lived and married, though X might have done so.

Anger and Nyang v. Kankor and Ning

Anger married Kankor's sister, Acimbgwok, for eight head of cattle and five sheep. This was in 1918 Padiet's time (circa 1904). Acimbgwok died in childbirth leaving no other children. Kankor returned six cattle and all the sheep. Anger (in 1941) then claimed the return of the remaining cattle. This claim, made some forty years after the event, was regarded by the Court as a frivolous one. It was held that the two head of cattle owed as dhil nwa, to which Kankor had undisputable right.

Kai ut therefore has various meanings, the most precise being 'another daughter of the dead wife's house handed over by her family as a "substitute". The custom is not confined to the husband as an individual, but applies to his kinship group, for Shilluk say that a girl might be handed over as *kai ut* even in a later generation, if no bridewealth had been returned in the interim. Again, if the wife died after fulfilling her procreative obligations, her family might allow the widower to marry her sister at a reduced bridewealth (eight head of cattle instead of ten). This, however, is really only an application of the general rule that *kai ut* (here meaning a payment of cattle) can be claimed by a man from his maternal uncle when his mother dies, provided she dies at a ripe old age and has borne several children. In this sense *kai ut* does not depend on the termination of the union, but is rather confirmation thereof and is not paid unless the two lineages wish to maintain the close relationship which marriage in a previous generation has created. This claim is now nearly always upheld in the Courts and provides an example of how a payment depending on a variety of circumstances has become enforceable at law.

Further Rules Concerning Cattle Returnable on Divorce

Shilluk sometimes say that in the old days on divorce all the original bridewealth cattle and all their offspring were returned. There is little evidence for this statement and the rule is certainly not applied today. The wife's kinsmen are not expected to return any cattle which have died in their possession, though they may be expected to produce the hides as evidence of death. On the other hand, cattle which have been sold for cash, slaughtered for meat, or paid in execution of debts (other than divorce marriage) or as compensation for wrongs committed, must be replaced by substitutes.

Writing on this subject in 1911, Pumphrey says:

Cattle paid as marriage payments in Shilluk country are on exact substitute for cash in that they are treated as negotiable instruments. A claim for the identical cows when, owing to divorce or death, the marriage payment is cancelled, is never supported. Cattle paid on in fact usually negotiated immediately, just as cash. The recipient will almost inevitably pay the cattle away either in satisfaction of his debts or else in the marriage of one of his own male relatives.[1]

[1] Pumphrey, from unpublished records.

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Pumphrey goes on to say,

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It is not clear, however, at what
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Pumphrey adds that:

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The Legitimacy of Children

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On this subject Pumphrey says,

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[2] Pumphrey, unpublished records.
[3] Ibid.
[4] Pumphrey, op. cit., p. 16.
[5] Ibid., p. 17.

8:Howell E-4,5 (1937, 1948) 1953 FJ23 Shilluk FJ23

Though there are differences of detail in the matter of divorce, the general principles are again similar and both the legality of marriage and the legal status of children are established by the same method, the transfer of cattle being the material symbol of the transfer of legal rights. As elsewhere in the Nilotic world, litigation over rights in marriage and parenthood is common in the Shilluk courts; not that the rights and obligations are in dispute but rather that persons refuse to honour them. It is also possible to trace the gradual development and crystallization of custom and usage into customary law now consistently enforced by Shilluk tribunals established by the present Government.

There are also points of contrast. The most obvious of these is the rigidity with which the amount of bridewealth is fixed. Among Nuer and Dinka, where the ratio of cattle to humans is generally higher, the number of cattle claimed in bridewealth is greater but it is also more elastic and, provided certain minimum claims are met, will decrease according to the prevailing condition of the herds. By sticking permanently to a fixed number, even a comparatively small one, and regarding any cattle outstanding as an almost perpetual debt, the Shilluk marital system is the cause of many social maladjustments, some of which have already been described. These difficulties may well be aggravated if the population increases while the herds continue to be depleted by epidemics of rinderpest or trypanosomiasis.

Résumé

NOTES SUR LES SHILLUK DU HAUT NIL: DROIT COUTUMIER: MARIAGE ET DROITS SUR LES FEMMES

Les mariages chez les Shilluk sont effectués par l'intermédiaire de plusieurs versements ayant une importance tout sociale que rituelle, qui sont accompagnés par le transfert de bétail représentant le paiement du mariage. Le transfert de bétail figure, également, dans les actions de divorce et détermine le statut légal des enfants, car il constitue le symbole du transfert des droits légaux. Ces caractéristiques des droits de mariage chez les Shilluk sont également rencontrées parmi les Nuer et les Dinka, bien qu'il y ait des différences de détail, plus particulièrement en ce qui concerne la répartition, parmi les parents, du bétail qui constitue le paiement du mariage. De plus, la quantité de bétail représentant ce paiement, parmi les Shilluk, est toujours de dix vaches, et les mariages en suspens sont reportés quelquefois à perpétuité. Ceci est une autre fréquente d'endettement sociale et de litige, et les difficultés qui en résultent sont susceptibles d'être aggravées par l'accroissement de la population et l'épuisement des troupeaux par suite de maladie.

11: Oyler M-5 (ca. 1918)1919 FJ23 Shilluk FJ23

are lazy as to the powers which animate the different clowns, but they have no doubt as to the power of the people who make the claims.

The Shilluks believe firmly in the power of the evil eye. A few claim that the people who cast the evil eye belong to the evil medicine men, and receive their power from them, but the people are almost unanimous in saying that they have their power separately, and they think that it comes from God. The fact that the power is inherited tends to prove that they are really a separate class.

When one person in a family has the evil eye, the house is spoken of as the house or family with the evil eye, though all the members of the family may not have that power. A man may have this power, and his wife be all right, or it may be the wife that is affected, but in every case all their children are affected, though the unaffected husband may have untainted children by another wife. This taint is carried by their descendants, and theoretically at least is supposed to extend to the end of time.

A girl who has the power of the evil eye is not sought in marriage, and while the man afflicted in this manner is not desirable as a husband, yet he does not have so much trouble in getting a wife. This is not because they differentiate between the sexes, but because a man pays a heavy dowry for his wife, and he does not want to buy a tainted wife, whose children will also bear the taint of a hidden power. If the afflicted man has the price, the father is very often willing to accept him for a son-in-law, and that is especially true, when the daughter is not very desirable. In a clan the people with the evil eye try to keep their neighbours ignorant of their powers.

In addition to those who inherit the evil eye, others suddenly receive the power. It suddenly falls upon them, or comes on them. They know not how it comes, but suddenly they find themselves with that dread power.

A person possessed of the evil eye can not always be distinguished. The fact that a certain person has that power is known in his own village, and the stranger coming in soon requires about it, and is told. However one mark can be relied on in some extent, and that is if a person has eyes in which the whites are small, and the iris is large in proportion, and the iris is very dark. This test is not sure as some people of the clans do not have this mark, and others, who do not have the power have the mark.

17: Pumphrey G-5 (1934-1938) 1941
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CHAPTER 5.
Customary Law.

Property.

Since the *Kwar* entire has been split into lineages within the various settlements the ties of clan have become weaker and now operate practically only within the settlement. *Pari passu* with this slackening of the ties of the clan has occurred a change in the ownership of cattle[1]. Possibly the clan used to own cattle in a communal herd from which were disbursed cattle in return for wives from another clan. At present the cattle of each hamlet are kept rigidly apart and not even within the hamlet are they communally owned. The *gol* leader alone owns cattle and he alone, as has already been described, can dispose of them. He alone allots cattle as bride wealth for unmarried male members of his *gol* and receives cattle paid to the *gol*, whether as marriage price or as compensatory payment for a wrong.

It is not perhaps too familiar to compare his position with that of a trustee towards beneficiaries (who are the members of his *gol*). He is the sole legal owner and can, legally, dispose of them as he chooses. He holds them in fact however subject to a trust which equity will enforce. The terms of the trust are that all cattle shall be applied solely towards the marriages of male members of the *gol* in order of their seniority, that no cattle shall be sold except for the purchase of grain in time of famine, and that the *gol* leader shall not himself marry a second time unless there is no unmarried male member of the *gol* of marriageable age. Any compensatory payment becoming due from the *gol* on account of a wrong should take precedence over any other payment. A breach of these "terms of trust" would be universally censured but would probably not be interfered with by the courts, which tend conveniently to hold that a *gol* leader has full and sole right as to disposal.

It is interesting that where a compensatory payment for killing is due the net is cast wider and not only the entire lineage but even members of other lineages of the same clan may be required to contribute.

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[1]. Where "cattle" is used in this chapter it may be taken to connote also to grain

17: Pumphrey G-S (1934-1938) 1941
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Recently, owing to the cultivation of cotton and to the increase in demand for work at Malakal and elsewhere, the value of money has come to be more appreciated. Most of the money so acquired is stored up for the purchase of a bull, very little being spent in shops. The purchaser of a bull not unreasonably objects to its going into the *naw* of the *gol* herd and accordingly deposits it for safe keeping with a distant friend. This innovation, which is no less than the introduction of a system of private ownership of cattle, is calculated to work eventually a deep change in customary law. The growth of cash-mindedness has already resulted in cash being sometimes substituted for a bull in cases of payments in compensation for sexual wrongs. No case is known where cash has been accepted instead of one or more of the bride wealth cattle, but this would be logically the next step. The effect of a change to cash bride wealth would be large. The present system makes for tribal cohesion and for the administratively convenient system of vicarious responsibility, whereas cash marriage payments would loosen remaining cohesion of the *gol* and render each man responsible for himself. Cattle would cease to become a medium of exchange in marriage contracts and become a commodity. The immovable goats would cease to eat up the cotton and the produce of the Mission gardens and instead themselves be eaten, much to the benefit of the Shilluk physique according to medical opinion. The economic absurdity of the Malakal Hospital contractor being sometimes compelled to import tinned milk by air so as not to forfeit his deposit would be avoided. The possibility of such economic advantages is to be set against the consequent loosening of tribal cohesion.

Succession.

There are no definite rules for the inheritance of chattels. Distribution usually takes place before death. If not they will generally be taken by the eldest son, or, in default of sons, by the next-of-kin to the deceased. The inheritance of chattels rarely produces litigation.

Cattle are taken by the succeeding *gol* leader, who may be a married son or a married brother according to circumstances. In any case the new *gol* leader holds the cattle inherited under the same trust as

17: Pumphrey G-9 (1934-1938) 1941
FJ23 Shilluk FJ23

that under which the deceased held them. For example if a man dies leaving four sons, two married and two unmarried, the two unmarried sons will join the *gol* of their eldest married brother, who thereupon becomes to them *in loco parentis* and their *gol* leader. With this addition to his *gol* the eldest married brother will take also the cattle which used to belong to the deceased, his father, but he will hold them "in trust" for the marriage of these two brothers.

THE MARRIAGE TIE.

Marriage marks the assumption of personal responsibility, signified outwardly by the acquisition of a homestead. A man wishes to marry so many wives as he can because, although a man with one wife is a full member of society, he who has three or four (more being unusual outside the *Kwar Reth*), is a man of substance and power. This is because his *gol* will become large and powerful and in a position to dominate in its locality. Where an appeal to the spear is an ever present possibility there is definite strength in numbers. There is no place in society for bachelors or spinsters of mature age, and in fact with the exception of *Reth*'s daughters and the mentally deficient they hardly exist. Women outnumber men, so that polygyny is reasonable and almost necessary.

The marriage tie creates an obligation to pay cattle, but it is not created by or dependent upon such payment. To render a union a marriage only two things are essential. First there must be no positive barrier, (such as known consanguinity between the parties, whether through male or female lines of descent) and secondly there must be an offer and an acceptance. The offer and acceptance are symbolised by the man offering to the woman's *gol* a sheep (*dyel dhok*). Acceptance of this sheep signifies acceptance of the suitor. The marriage is then complete. There follows the beer brewing (*kwog nagle*) and a wedding dance which is held in the woman's village and which serves the important purpose of fixing the marriage in the minds of the public. The completion of the cattle payments (*kwog*) may be delayed over a period of years, and until they are complete the woman usually continues to live in her own homestead where her husband may visit

17: Pumphrey G-S (1934-1938) 1961
F223 Shilluk F223

182 her. The inconvenience of this arrangement acts as a spur to the
•183 husband to complete the payments as quickly as possible in order to
191 get his wife home to do the cooking.

185 Thus a marriage tie is complete as soon as the proffered sheep
186 has been accepted, the cattle payments being in the nature of a con-
cubinal transaction. Accordingly children born after the marriage
tie is complete are legitimate, irrespective of a possible deficiency in
cattle payments. The criterion of legitimacy, a question often in dispute,
is not the sufficiency of the cattle payments but the acceptance or
otherwise of the proffered sheep. Incidentally if the wedding dance is
proved to have been held this is usually sufficient proof of the acceptance
of the sheep, so that the question at issue is usually whether or not the
wedding dance was held. Naturally evidence about this, which is a
function attended by a large gathering, is usually forthcoming.

185 It is not always so, however, particularly where the marriage under
dispute occurred some twenty years previously. In such circumstances
[89] if it is proved as a fact that more than four head of cattle have been
paid then, since four head of cattle is the maximum payable for seduction,
a strong presumption is raised that the union was a true marriage.
Analogously a contrary presumption is raised if it appears that not
more than one or two head have been paid, a presumption which
would be rebutted only by proof that a wedding dance has been held.

186 A marriage in which only a few head of cattle are paid is often
dissolved since the woman's *gol* are apt to get tired of waiting and
to marry her to another man. In such case the children born of the
[89] dissolved marriage are legitimate irrespective of the smallness of the
cattle payments and of the fact that the marriage was short-lived.
This question will receive a more detailed consideration later.

Customs Subsequent Marriage.

182 Surrounding the elements necessary to the creation of the marriage
tie is a mass of traditional procedure which serves to solemnize and
[87] make marriage as permanent as may be. Divorce entails a chain of
acrimonious litigation not only wearisome to the litigants but likely to
cause family disruption.

17: Pumphrey G-5 (1934-1938) 1941
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some family disruption. It is therefore to be avoided if possible, and it is to this end that most of the marriage customs exist.

Freedom of choice is generally allowed to both sexes. Only when cattle are urgently required does a father sometimes marry off his daughter under age, probably to a Dinka who will usually be willing to pay ten head of cattle since his own dowry payment is much larger. The usual procedure is for the girl first to be asked by her admirer whether she will marry him. If she agrees, she will then tell her *gol* leader of the proposal. This may be the first intimation her family has, and there will be a hasty consideration of prospects. If the husband is acceptable he will be told to bring a sheep (the *dyel dhok*). At once he will fine his fiancy, as also will the best man,[p] and the pair will proffer the sheep. If it is accepted the wedding dance will follow closely and the cattle will be brought thereafter by the best man as circumstances permit. If they are readily available about eight will be brought soon after the wedding dance and the remaining two will remain over until a final dance (*nenjho thiok*) has been held in the bride's village. At this dance neither the bride nor the bridegroom dance. The bridegroom sits in a house apart with the best man and the bride remains with her family. It is said that sometimes the bridegroom "calls out" the bride, in which case the best man dances with the bride and the bridegroom with the bridesmaid[q]. The bride's maid is a girl friend of the bride who acts as go-between in the frequent elopements which occur after the acceptance of the sheep and before the final dance. Such elopements are regarded lightly by the bride's *gol* who are usually pacified by the present of another sheep, but who nevertheless retrieve their daughter if they can.

The best man is the bridegroom's friend who often accompanies him on a journey to spy out the land for a desirable wife and who, as already mentioned, goes with him to proffer the sheep. Once the sheep is accepted the wife's *gol* opposite also their *fol kwog* and it is through these intermediaries that all haggling over cattle is conducted.

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p. *Fol kwog*, meaning literally "men of the spear."

q. *Nyo dhoy kwog*, meaning literally "young women of the spear."

17: Pumphrey G-5 (1934-1938) 1941
F 223 Shellbak F 223

A poor quality animal will be rejected by the *fal tang* of the bride's family who will request the best man to bring a better. In a sense these intermediaries act as solicitors of the contracting parties, and by their mediation reduce friction which might lead to a breach of the marriage.

The *nagbe thiek* is the final ceremony marking the separation of the wife from her own clan, and sometimes ends with a mock battle resulting in the "violent" removal of the bride by the kinsmen of the bridegroom. The bridegroom's party throw spears into the village of the bride and her relations reply with an answering shower, each side keeping the other's spears. After this mock battle the bride goes to the village of the bridegroom. The remaining two or three head of cattle will soon be brought and the transaction is then complete. The last bull is sometimes known as *nanh thiek*.

The above is a description of a marriage in which no hitch has occurred. Often the sequence of events is entirely different. For example an original seduction often eventuates in a marriage, in which case the seduction payment is payable first and the marriage payment after (and over and above) it. In such cases also the marriage dates from the acceptance of the sheep and it is improbable that the girl's family will accept it until the seduction payment is complete. Again some marriages drag on interminably because the bridegroom's *gol* does not produce cattle. In such cases the wife's *gol* sometimes tire of waiting and end the marriage by marrying her to another, in which case the disappointed husband is entitled to recover any cattle he has paid. At other times, if the husband is acceptable to the women's *gol* or if, as often happens, they know that the girl is so fond of her lover that all attempts to marry her elsewhere will fail they accept the marriage and content themselves by waiting until a daughter of the marriage is married, when they will claim from her bride wealth the number of cattle remaining in arrears from the bride wealth of her mother.

Generally the cattle payments go all to the *gol* leader of the women, be he her father, brother, or uncle. Professor Seligmann was at pains to discover how the cattle were divided among the relatives of the wife, and especially what was the share of the maternal uncle. In fact

19: Pumphrey G-5 (1934-1938) 1941
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only in the one case already described does he receive anything: *i.e.*, when he claims from the bride wealth of his niece such cattle as are in arrears from the marriage of his sister. Where such arrears are claimed they are a first charge upon the new cattle payments.[1]

One.

A man will describe as *dwe* not only all his wife's kinsmen but also, strictly speaking, all kinsmen of the wives of all his own kinsmen. Obviously, if strictly thus interpreted, *dwe* would embrace a very large group indeed. But the word has two senses. In its wider sense it does embrace a very large group, though as will be seen later the extent of the group embraced is limited by a not too rigorous interpretation of the word "kinsmen." In this wider sense it has a significance in the various sex taboos such as *dwale* which will be considered later. For the moment consideration of this wider sense will be postponed to a consideration of the *dwe* tie in its narrower sense of the tie which unites a husband to the *gol* of his wife.

Throughout the earlier years of the marriage members of the husband's *gol* have to pay special *ceremonies*[2] to the *gol* of his wife. The reason for this, as for so many marriage customs, is the recognized necessity of avoiding all possible causes of friction during what may be called the period of tension. This tension is the product of a definite disequilibrium. The husband's *gol* are acutely aware of having paid ten head of cattle as pledge for the as yet uncertain good behaviour of the wife. As the wife produces children she pays off, as to speak, the marriage cattle at the rate of five head of cattle for each daughter and two for each son until, when she has produced two daughters or five sons (or an arithmetically suitable combination of the sexes), the tension is resolved. Thereafter no law suit would follow the breach of the marriage since it would be considered that the husband's *gol* had got their "money's worth." During the period of tension the

1. One example may clarify this. A has been married by A, who has paid 8 head of cattle only. B is also husband of A. A has, by A, a daughter, C, who is married by D. The bride wealth paid by D all goes to A, but A should pay 2 head of cattle to C, because these were due to achieve for C under the marriage of A. C is of course the concerned uncle of A.

2. Vide.

17: Pumphrey G-S (1934-1938) 1941
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there develops a tendency for *jur* A (to refer again to the diagram above) to marry women of *jur* X. Men of *jur* A will therefore have ready access to the unmarried girls of *jur* X, as, similarly, will men of *jur* X have ready access to the unmarried girls of their *jur ore*, P. Now if a man of *jur* A seduces a girl of *jur* P it naturally annoys the men of *jur* X who regard *jur* P girls as in some sense their prerogative.

Dwale is thus a good example of a religious sanction harnessed to the service of social expediency. Without doubt, although no Shilluk volunteered the explanation, the *dwale* taboo has developed from the consciousness that seduction must be rigorously discouraged where it would imperil good relations between *ore*.

Divorce.

The verb *tang* is used for the breaking of a marriage, whether owing to the death of the wife or to her refusal to live with her husband. Cases where the wife dies are naturally less acrimonious than those of the other kind and will be considered first.

Where a marriage is terminated by the death of the wife, her *gol* must either present to the husband an unmarried sister as *kai at*,[1] or they must return the cattle (or their equivalent in similar animals) making deductions for children born of the marriage and living at the time of their mother's death. These deductions are generally at the rate of two head for each son and five for each daughter, the children of course going to their father. Thus a husband who has paid the full bride wealth of ten head and has a son and a daughter alive and born of the marriage can reclaim only three head of cattle.

Cases resulting from the refusal of the wife to cohabit with her husband may be more properly described as cases of divorce. Divorce in this sense results not from any act of the parties but from a state of affairs judicially recognised as warranting the return to the husband of the bride wealth, with or without suitable deductions for children born. Deductions are usually made, but if it is held that the behaviour of the wife has been particularly blame-worthy the husband is sometimes

[1] Literally "substitute of the house."

17: Pumphrey G-5 (1934-1938) 1941
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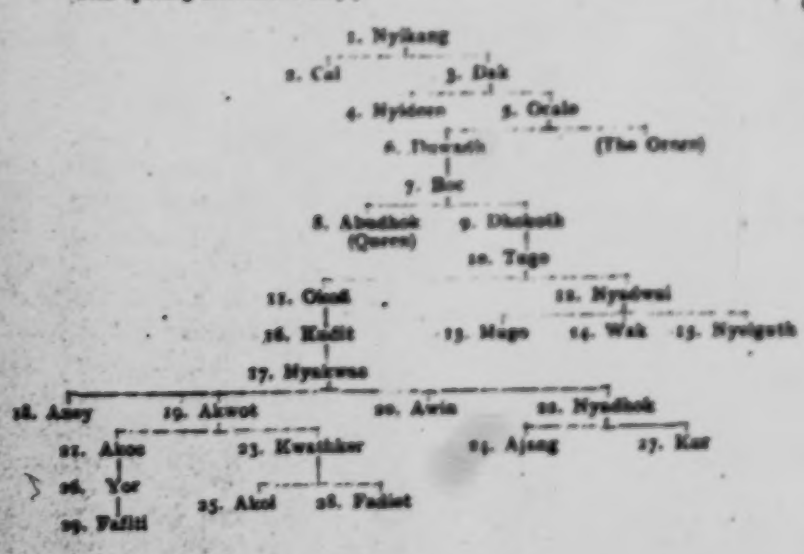
son. Alternatively, and probably more frequently, they are brought up by the *gol* of their mother and regard their maternal uncle *in loco parentis*. In such case the child, whether male or female, is termed *okeijo* and belongs to the clan of its maternal uncle. Such a child may have relations with the wife of his maternal uncle in the same way as a son may have relations with the wife of his father[30]. A girl who is *okeijo* will be married from the hand of her maternal uncle who will receive the entire cattle price.

APPENDIX I.

TREE OF THE KWAR BETH.

(N.B.—This is Hofmayr's tree, adopted by Professor Seligman and here reproduced with spelling alterations only.)



30. This fact well confirms the view that it is social expediency and no affair of blood which dictates the *dwolo* taboo.

18: Howell E-5 (1937) 1941 F323 Shilluk F323

leave the dancing ground. Within a few minutes the village is clear of all guests, those who are unable to stand being swept along in the rush.

Before dancing for the first time the initiate is usually presented with two spears by his father. The sons of rich men are presented with a bull (*Wath Owone*) as well.[8] This bull is treated with great care and affection by the young warrior and he is given a new name by his age-mates—taken from the colour of the bull and they alone may call him so. Theoretically the bull is kept throughout his life, a new one of similar colour and markings being substituted when it dies. It is never given as bride-wealth. The initiates then visit their relatives in the settlement and after a short period of travel return home. In the past these visits were probably on a wider scale and according to Hofmayer "after the dance it is the custom for the Shilluk initiates to lead a nomadic life for a time, traversing the country from one end to the other." This statement is probably an exaggeration, but a period of wandering visits is common among African peoples before final reintegration into the community in adult status.

At the *Coag Bul*, initiates are introduced to their new privileges together, but the rest of the warriors are not drawn up in age-sets. At the "*Kwogo*" and "*Yok*," which are funeral ceremonies, the male Shilluk are organized according to their respective age-sets. There are few other occasions when the age-set system functions at all.

Among the Shilluk the more arduous processes of cultivation are carried out communally. A man will invite his neighbours and relatives to help him in his fields and will provide merissa for them afterwards. The helpers are not necessarily his age-mates and it does not appear

8. The Shilluk say that the custom is dying out and that few fathers have bulls to spare. In any case the youth will take the name of one of his father's bulls. The *Wath Owone* is a source of great pride to its owner and songs are composed about it which are sung for the benefit of girls.

An approximate translation of the song of Ajak, an inhabitant of the *Zeral* mouth is as follows:

> "I have a grey bull, a great bull,
> I am going to Gollwiga to buy a bull,
> A bull for the bull that lives in
> My fathers byre."

29:Dempsey M-5 (1940-1954) 1955
F323 Shilluk F323

admire on account of its ingenuity and plausibility, will bring forward a cloud of witnesses to support his statements and with an air of 'that's my story and it's sticking to me' implicitly challenge the court to disprove it or his opponent to go one better. And if perchance his version of the facts of the case is shown to be the reverse of reality and his witnesses are confounded and made to contradict one another, no one is shocked at such blatant falsehood; the onlookers rather are disgusted at the poor show he has put up and at the poor staff work which has permitted the witnesses to be caught out.

Most of the cases which are brought before the native courts are concerned with the ownership of cattle. They are usually claims for cows to replace the original units of a dowry which have died, or for the return of cattle which have been paid with a view to a marriage which for some reason or another has not taken place, or which, if ratified, has been broken up owing to the sterility or the unfaithfulness of the woman. Such cases are tremendously involved and intricate, and only a Shilluk well versed as he is in his tribal laws and customs can possibly follow them. For instance a Shilluk often starts paying cattle for a bride whilst she is still a child, and six or seven years must elapse before she is of marriageable age. The prospective husband may leave the country, having as it were 'staked a claim', only to return later to find that the girl's father has bestowed her on another suitor. The disappointed swain at once demands his cows back but these are beyond recall, having long since been dispersed throughout the country as parts of other dowries. There are, it is true, some cattle left of the second dowry, but no Shilluk worth his salt will easily part with cattle which have once come into the family byre in prompt settlement of a mere debt. So the father puts the angry man off with soft words and fair promises, and then another spanner is thrown into the works; the daughter is ignominiously returned for some reason or other and suitor number two requires that his dowry be returned. Father hopefully offers the rejected daughter to her former suitor,

29:Dempsey M-S (1940-1954) 1955
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697 but he now makes it plain that he wouldn't have her as a
• 573 gift, and indeed has made overtures to another lady, so
423 please may he have his cattle and—just to make things a little more complicated—the calves that they have had, and can he have them at once since his new prospective father-in-law is getting a little nasty about the lack of dowry, and hinting that his daughter's affections may easily be borrowed elsewhere. 'Not quite so fast,' says number two, 'those cows are mine and mine only and quite obviously their calves are mine too, so kindly arrange for the immediate delivery of the same.' Father pours ridicule and scorn on both claimants to the calves. It is true, he admits, that both young men have some sort of a claim to cattle—which he will settle by and by when he gets a bid for his youngest daughter at present crawling round the floor—but for either of them to claim the calves is preposterous; surely they belong to him who has had all the trouble of herding the beasts; to his skill and industry in nursing the cows through the difficult time of calving is due the fact that there are any calves at all! And so the arguments and counter arguments, taunts, recriminations, insults and threats will be tossed back and forth. Tempers will rise and maybe sticks will be flourished and spears flashed. It can happen that one of the parties will work himself into a blind passion and regardless
[693] of the consequences may break his adversary's skull or thrust his spear into him, but generally, fear of reprisals from the clansmen of his opponent and the justice that will certainly be meted out to him by the white man in Malakal, should he survive long enough to be arrested, advises caution; and since none of the contestants is strong enough to take by force what he considers to be his by right, the dispute is eventually, albeit reluctantly, brought up before
[694] the district chief.

695 Reluctantly, I say, because the litigants know full well
693 that whoever is going to lose by the decision of the court, the judge isn't. The plaintiff may marshal his facts with unassailable logic, clothe them in masterly oratory, and present them with crystal clear lucidity. He and his witnesses may even

29:Dempsey M-S (1940-1954) 1955
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[illegible] born there is brought up in that village under the tutelage [illegible] of the chief. If the child is a boy he is brought up in much the same manner as other boys of the village but it is not forgotten that he is a Nyiwith, and consequently a potential king. He is given a herd of cattle, and on reaching manhood is expected to found his own village, also at a distance from Fashoda, for the fear of assassination is always present to the mind, and hence it is ever the royal policy to keep all the princes as far distant from Fashoda as possible.

* * *

Marriage is an important affair, not only for those directly concerned, but for the whole community, for among the Shilluk it has many economic implications arising chiefly from the condition of the dowry or bride-price, almost universal throughout Africa. When the Shilluk youth, devoured in his heart, goes a-wooing, if the lady of his choice accepts the heart and fortune which he casts at her feet and coyly says yes, she is sure to say that he must 'see father first'. I presume that an English youth in similar happy circumstances would address his prospective father-in-law thus: 'Sir, I wish to marry your daughter. She has done me the honour of promising to be my wife,' and with a brief discussion of present security and future prospects, the matter would be quickly settled. Not so does the Shilluk bridegroom-to-be approach his future in-laws; he does not appear in person, but sends one or two friends to negotiate the marriage for him. Nor must the ambassador come empty-handed, but must bring the traditional gifts as befitting the occasion; spears, hoes, tobacco and firewood for the father and mother of the girl and, as the negotiations proceed, upwards of seven sheep which become the property of her brother or cousins, and finally, and most important of all, the cattle.

The bride-price of ten or more head of cattle is an essential condition for every Shilluk marriage. It may be paid in instalments and indeed generally is, and its payment usually extends over several years, but there can can be no question of the young couple living together as husband and wife

29:Dempsey M-S (1960-1954) 1955
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until at least seven cows have been paid. When that number has been safely gathered into the family byre, the love-lorn swain may indeed claim his blushing bride, but if after that the payment of the remainder be unduly delayed, the indignant father and the male relatives of the lady will not hesitate to carry her off to her former home till what time the final instalments are forthcoming, or even, if there is little or no prospect of the debt being speedily paid, of offering her anew to one more likely to fulfil his obligations. 583

But even when the last cow has been handed over; when the somewhat bewildered ox, garlanded and decorated, has been escorted to the bride's village by a cheering and singing mob of the bridegroom's friends; when the mock battle has taken place during which the bride's party endeavours to and eventually succeeds in wresting the cow from the hands of the groom's partisans; when they in turn have stormed the paternal stronghold, and carrying off the lady have delivered her into the arms of her ever-loving husband; when the last dance has been danced and the final bumper quaffed, still the young husband's bovine anxieties are not completely at rest. A murrain might sweep the land and claim one or more of his cattle among its victims, and the law demands that they be replaced, or else he may find himself a grass widower. And if perchance the replacements should die, then others must be forthcoming within a reasonable period of time, that the total may be kept complete. Failure to comply with these demands may mean that the District Chief may order that the unhappy man's wife and children 'be sold and payment be made'. This quite literally happened at Detwok; a man had been married for ten years and had three children; he had paid only seven head of cattle and of these three had died, so that he still owed six. His family was taken from him and given to another man who was able to pay the required cattle. Fortunately, in this case the mission was able to step in. It was a Christian family and the marriage had been solemnised in church according to the requirements of both God and the Government. The priest told the chief that he could not ruthlessly 583 586 583 586 586 [197]

29:Dempsey M-S (1940-1954) 1955
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break up a Christian family in that manner, and that if the woman and children were not returned to their home within three days, the matter would be taken to the king. Happily we were on safe ground in threatening this. A short time before there had been a similar case in Lul where a Christian family was concerned and the Fathers had promised successfully to the king, who ordered the family to be returned. The chief, hearing this, gave in gracefully and the woman and children were brought back.

And what of the happy father of the bride? Does he assume the airs and authority of a cattle baron at thus being enriched by ten cows? Poor old father, alas, will be fortunate if he gets one or two of the dowry to call his own. He does, indeed, as befitting his dignity as head of the family, receive the cattle, but the same family will take very good care that they do not remain long in the paternal shippen. He probably has growing sons hungry for cattle to build up their own dowries, but if it should happen that the Lord has not blessed him with male issue, his own unmarried brothers will clamour for their share; his wife's strident voice will be heard advancing the claims of her brothers; uncles and nephews and in-laws will take up the cry, some in strong, others in less certain terms according to their proximity to or remoteness from the immediate family circle, and the dispute will continue until the final settlement is made and the cows are dispersed to the remotest parts of the land. One thing is sure, and that is that if anyone suffers from the division of the spoils it will be father. In the course of a few years the cattle of a dowry will have changed hands several times, having been split up and absorbed into other herds, again and again handed over as part of a bride-price, and again and again finding new owners among some girl's relatives, ranging the length and breadth of the Shilluk country and back again, shifting and changing, being collected and dispersed, only to be collected and dispersed again. And so it will go on until an individual cow is deemed no longer worthy of inclusion in a dowry, when it will be sold for butcher's meat or slaughtered for a wedding or a